

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JASON DESHAWN THOMAS,

Defendant-Appellee.

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UNPUBLISHED

February 25, 2000

No. 207374

Oakland Circuit Court

LC Nos. 96-149280 FH,

96-149281 FH

Before: Cavanagh, P.J., and White and Talbot, JJ.

TALBOT, J. (*concurring*).

I agree that defendant's sentence must be vacated and the matter remanded for resentencing for the reasons stated by the majority. I write separately only to emphasize that the trial court failed to identify the objective "substantial and compelling" factors it believed allowed for a downward departure, and we can identify only two from the record. Unless a great deal more than defendant's age and lack of criminal history can be developed on remand, there appears to be no objective basis to depart from the statutory minimum sentence.

/s/ Michael J. Talbot